

AMENDED IN SENATE APRIL 15, 2009

SENATE BILL

No. 26

Introduced by Senator Simitian

December 1, 2008

An act to add Sections 4001.2, 4068.1, and 4146 to the Business and Professions Code, to amend Sections 117700, ~~117935, 117945, 117960,~~ 118000, 118040, ~~118147, and 118165~~ *and 118147* of, and to add Sections ~~117642,~~ 117669, 117748, 117904.5, 118031, and 118041 to, the Health and Safety Code, and to amend Section 47200 of the Public Resources Code, relating to pharmaceutical waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 26, as amended, Simitian. Home-generated pharmaceutical waste.

The existing Pharmacy Law establishes the California State Board of Pharmacy, prescribes the licensing, regulatory, and disciplinary functions of the board, and authorizes the board to adopt rules and regulations necessary to administer laws governing the operation of pharmacies and the dispensing of drugs and devices to the public.

This bill would require the board to coordinate with other state agencies, local governments, drug manufacturers, and pharmacies to develop sustainable, efficient policies and programs to manage pharmaceutical wastes and the disposal of devices. The bill would authorize a pharmacy to accept the return of home-generated pharmaceutical waste and home-generated sharps waste, as defined.

Existing law, the California Integrated Waste Management Act of 1989, requires the California Integrated Waste Management Board to adopt regulations that set forth minimum standards for solid waste management and require assurance of financial ability to pay for specified injury and property damage claims resulting from the operation

of a disposal facility. The act requires the board to expend moneys from the Solid Waste Management Account in the Integrated Waste Management Fund, upon appropriation by the Legislature, for the making of grants to cities, counties, or other local agencies with responsibility for solid waste management, and for local programs to help prevent the disposal of hazardous wastes at disposal sites, as provided.

This bill would require that local programs to help prevent the disposal of home-generated sharps waste and home-generated pharmaceutical waste at disposal sites also be included among the types of local programs that may be funded by such a grant.

Existing law, the Medical Waste Management Act, requires the State Department of Public Health to regulate the management and handling of medical waste, as defined. Under existing law, certain items, such as household waste, are specifically excluded from the definition of medical waste.

This bill would also exclude home-generated pharmaceutical waste, as defined, from the definition of medical waste.

Existing law regulates the methods of consolidating, storing, and transporting medical waste and home-generated sharps waste. Violation of these provisions is a crime.

This bill would regulate consolidation points for home-generated pharmaceutical waste, as defined, as well as transportation and disposal of that waste ~~by both hazardous waste haulers and common carriers, as defined~~. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4001.2 is added to the Business and
- 2 Professions Code, to read:
- 3 4001.2. To further the purposes of Section 4001.1, and to
- 4 protect the public from hazards caused by the improper

1 management and disposal of ~~waste drugs and devices~~
2 *pharmaceutical waste*, the California State Board of Pharmacy
3 shall coordinate with other state agencies, local governments, drug
4 manufacturers, and pharmacies to develop sustainable, efficient
5 policies and programs to properly manage pharmaceutical wastes
6 and the disposal of these wastes.

7 SEC. 2. Section 4068.1 is added to the Business and Professions
8 Code, to read:

9 4068.1. A pharmacy may accept the return of home-generated
10 pharmaceutical waste, as defined in Section 117769 of the Health
11 and Safety Code, from the public.

12 SEC. 3. Section 4146 is added to the Business and Professions
13 Code, to read:

14 4146. A pharmacy may accept the return of home-generated
15 sharps waste, as defined in Section 117671 of the Health and Safety
16 Code, from a person if the waste is contained in a sharps container.

17 ~~SEC. 4. Section 117642 is added to the Health and Safety Code,~~
18 ~~to read:~~

19 ~~117642. “Common carrier” means a person or company that~~
20 ~~hauls for hire goods, including, but not limited to, pharmaceutical~~
21 ~~waste or home-generated pharmaceutical waste. Home-generated~~
22 ~~pharmaceutical waste must have been consolidated at a location~~
23 ~~approved by the enforcement agency as a home-generated~~
24 ~~pharmaceutical waste consolidation point.~~

25 ~~SEC. 5.~~

26 ~~SEC. 4.~~ Section 117669 is added to the Health and Safety Code,
27 to read:

28 117669. “Home-generated pharmaceutical waste” means
29 ~~prescribed and over-the-counter drugs~~ *pharmaceutical waste*
30 derived from a household.

31 ~~SEC. 6.~~

32 ~~SEC. 5.~~ Section 117700 of the Health and Safety Code is
33 amended to read:

34 117700. Medical waste does not include any of the following:

35 (a) Waste generated in food processing or biotechnology that
36 does not contain an infectious agent as defined in Section 117675.

37 (b) Waste generated in biotechnology that does not contain
38 human blood or blood products or animal blood or blood products
39 suspected of being contaminated with infectious agents known to
40 be communicable to humans.

(c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears, or vomitus, unless it contains fluid blood, as provided in subdivision (d) of Section 117635.

(d) Waste that is not biohazardous, such as paper towels, paper products, articles containing nonfluid blood, and other medical solid waste products commonly found in the facilities of medical waste generators.

(e) Hazardous waste, radioactive waste, or household waste, including, but not limited to, home-generated sharps waste, as defined in Section 117671, and home-generated pharmaceutical waste, as defined in Section 117669.

(f) Waste generated from normal and legal veterinarian, agricultural, and animal livestock management practices on a farm or ranch.

~~SEC. 7.~~

SEC. 6. Section 117748 is added to the Health and Safety Code, to read:

117748. “Pharmaceutical waste” means any pharmaceutical, prescription, or over-the-counter human or veterinary drug, including, but not limited to, a drug, as defined in Section 109925, or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 321(g)(1)) that meets any of the following requirements:

~~(a) The drug may no longer be sold or dispensed because it has expired.~~

~~(b)~~

(a) The drug can no longer be used for its intended purpose.

~~(c)~~

(b) The drug has been discarded.

~~(d)~~

(c) The drug has been consolidated at a location approved by the enforcement agency as a home-generated pharmaceutical waste consolidation point.

~~SEC. 8.~~

SEC. 7. Section 117904.5 is added to the Health and Safety Code, to read:

117904.5. (a) In addition to the consolidation points authorized pursuant to Section 118147, the enforcement agency may approve a location as a point of consolidation for the collection of home-generated pharmaceutical waste. These locations may include, but are not limited to, pharmacies, health care facilities,

1 veterinarian offices, clinics, household hazardous waste programs,
2 solid waste facilities, ~~senior centers~~ *nursing homes*, or government
3 offices.

4 (b) A consolidation location approved pursuant to this section
5 shall be known as a home-generated pharmaceutical waste
6 consolidation point.

7 (c) A home-generated pharmaceutical waste consolidation point
8 is not subject to the requirements of Chapter 9 (commencing with
9 Section 118275) of Part 14 of Division ~~4~~ *104*, to the permit
10 requirements of this part, or to any permit or registration fees, with
11 regard to the activity of consolidating home-generated
12 pharmaceutical waste pursuant to this section.

13 (d) A home-generated pharmaceutical waste consolidation point
14 shall comply with all of the following requirements:

15 (1) It shall be approved by the enforcement agency for this
16 purpose.

17 (2) The home-generated pharmaceutical waste collected and
18 consolidated at the facility shall be collected and contained in a
19 leak-resistant *and tamper-proof* container and placed in a secure
20 area that does not allow the waste to be accessed or salvaged by
21 unauthorized persons.

22 (3) Containers ready for disposal shall not be held for more than
23 90 days without the written approval of the enforcement agency.

24 (e) An operator of a home-generated pharmaceutical waste
25 consolidation point that is approved pursuant to this section shall
26 not be considered a generator of that waste.

27 (f) The end disposal facility that treats the home-generated
28 pharmaceutical waste shall maintain the tracking documents
29 required by Section 118040 or 118041, as applicable, and Section
30 118165 with regard to the pharmaceutical waste.

31 (g) Nothing in this section shall exempt any person from any
32 federal or state law governing pharmaceuticals.

33 ~~SEC. 9. Section 117935 of the Health and Safety Code is~~
34 ~~amended to read:~~

35 ~~117935. Any small quantity generator required to register with~~
36 ~~the enforcement agency pursuant to Section 117930 shall file with~~
37 ~~the enforcement agency a medical waste management plan, on~~
38 ~~forms prescribed by the enforcement agency containing, but not~~
39 ~~limited to, all of the following:~~

40 (a) ~~The name of the person.~~

1 ~~(b) The business address of the person.~~

2 ~~(c) The type of business.~~

3 ~~(d) The types, and the estimated average monthly quantity, of~~
4 ~~medical waste generated.~~

5 ~~(e) The type of treatment used onsite.~~

6 ~~(f) The name and business address of the registered hazardous~~
7 ~~waste hauler used by the generator for backup treatment and~~
8 ~~disposal, for waste when the onsite treatment method is not~~
9 ~~appropriate due to the hazardous or radioactive characteristics of~~
10 ~~the waste, the name of the registered hazardous waste hauler used~~
11 ~~by the generator to have untreated medical waste removed for~~
12 ~~treatment and disposal, and, if applicable, the name of the common~~
13 ~~carrier used by the generator to transport pharmaceutical waste~~
14 ~~offsite for treatment and disposal.~~

15 ~~(g) A statement indicating that the generator is hauling the~~
16 ~~medical waste generated in his or her business pursuant to Section~~
17 ~~118030 and the name and any business address of the treatment~~
18 ~~and disposal facilities to which the waste is being hauled, if~~
19 ~~applicable.~~

20 ~~(h) The name and business address of the registered hazardous~~
21 ~~waste hauler service provided by the building management to~~
22 ~~which the building tenants may subscribe or are required by the~~
23 ~~building management to subscribe and the name and business~~
24 ~~address of the treatment and disposal facilities used, if applicable.~~

25 ~~(i) A statement certifying that the information provided is~~
26 ~~complete and accurate.~~

27 ~~SEC. 10. Section 117945 of the Health and Safety Code is~~
28 ~~amended to read:~~

29 ~~117945. Small quantity generators who are not required to~~
30 ~~register pursuant to this chapter shall maintain on file in their office~~
31 ~~all of following:~~

32 ~~(a) An information document stating how the generator contains,~~
33 ~~stores, treats, and disposes of any medical waste generated through~~
34 ~~any act or process of the generator.~~

35 ~~(b) Records of any medical waste transported offsite for~~
36 ~~treatment and disposal, including the quantity of waste transported,~~
37 ~~the date transported, and the name of the registered hazardous~~
38 ~~waste hauler or individual hauling the waste pursuant to Section~~
39 ~~118030, or the name of the common carrier hauling pharmaceutical~~

1 ~~waste pursuant to Section 118031. The small quantity generator~~
2 ~~shall maintain these records for not less than two years.~~

3 ~~SEC. 11. Section 117960 of the Health and Safety Code is~~
4 ~~amended to read:~~

5 ~~117960. Any large quantity generator required to register with~~
6 ~~the enforcement agency pursuant to Section 117950 shall file with~~
7 ~~the enforcement agency a medical waste management plan, on~~
8 ~~forms prescribed by the enforcement agency containing, but not~~
9 ~~limited to, all of the following:~~

10 ~~(a) The name of the person.~~

11 ~~(b) The business address of the person.~~

12 ~~(c) The type of business.~~

13 ~~(d) The types, and the estimated average monthly quantity, of~~
14 ~~medical waste generated.~~

15 ~~(e) The type of treatment used onsite, if applicable. For~~
16 ~~generators with onsite medical waste treatment facilities, including~~
17 ~~incinerators or steam sterilizers or other treatment facilities as~~
18 ~~determined by the enforcement agency, the treatment capacity of~~
19 ~~the onsite treatment facility.~~

20 ~~(f) The name and business address of the registered hazardous~~
21 ~~waste hauler used by the generator to have untreated medical waste~~
22 ~~removed for treatment, if applicable, or the name of the common~~
23 ~~carrier hauling pharmaceutical waste pursuant to Section 118031.~~

24 ~~(g) The name and business address of the registered hazardous~~
25 ~~waste hauler service provided by the building management to~~
26 ~~which the building tenants may subscribe or are required by the~~
27 ~~building management to subscribe, if applicable.~~

28 ~~(h) The name and business address of the offsite medical waste~~
29 ~~treatment facility to which the medical waste is being hauled, if~~
30 ~~applicable.~~

31 ~~(i) An emergency action plan complying with regulations~~
32 ~~adopted by the department.~~

33 ~~(j) A statement certifying that the information provided is~~
34 ~~complete and accurate.~~

35 ~~SEC. 12.~~

36 ~~SEC. 8. Section 118000 of the Health and Safety Code is~~
37 ~~amended to read:~~

38 ~~118000. (a) Except as otherwise exempted pursuant to Section~~
39 ~~118030 or 118031, all medical waste transported to an offsite~~
40 ~~medical waste treatment facility shall be transported in accordance~~

1 with this chapter by a registered hazardous waste transporter issued
2 a registration certificate pursuant to Chapter 6 (commencing with
3 Section 118025) and Article 6.5 (commencing with Section
4 25167.1) of Chapter 6.5 of Division 20. A hazardous waste
5 transporter transporting medical waste shall have a copy of the
6 transporter's valid hazardous waste transporter registration
7 certificate in the transporter's possession while transporting
8 medical waste. The transporter shall show the certificate, upon
9 demand, to any enforcement agency personnel or authorized
10 employee of the Department of the California Highway Patrol.

11 (b) Except for small quantity generators transporting medical
12 waste pursuant to Section 118030 or small quantity generators ~~or~~
13 ~~common carriers~~ transporting home-generated pharmaceutical
14 waste pursuant to Section 118031, medical waste shall be
15 transported to a permitted offsite medical waste treatment facility
16 or a permitted transfer station in leak-resistant and fully enclosed
17 rigid secondary containers that are then loaded into an enclosed
18 cargo body.

19 (c) A person shall not transport medical waste in the same
20 vehicle with other waste unless the medical waste is separately
21 contained in rigid containers or kept separate by barriers from
22 other waste, or unless all of the waste is to be handled as medical
23 waste in accordance with this part.

24 (d) Medical waste shall only be transported to a permitted
25 medical waste treatment facility, or to a transfer station or another
26 registered generator for the purpose of consolidation before
27 treatment and disposal, pursuant to this part.

28 (e) Facilities for the transfer of medical waste shall be annually
29 inspected and issued permits in accordance with the regulations
30 adopted pursuant to this part.

31 (f) Any persons manually loading or unloading containers of
32 medical waste shall be provided by their employer at the beginning
33 of each shift with, and shall be required to wear, clean and
34 protective gloves and coveralls, changeable lab coats, or other
35 protective clothing. The department may require, by regulation,
36 other protective devices appropriate to the type of medical waste
37 being handled.

38 ~~SEC. 13. Section 118031 is added to the Health and Safety~~
39 ~~Code, to read:~~

1 ~~118031. Pharmaceutical waste may be shipped by a common~~
2 ~~carrier if the generator or home-generated pharmaceutical waste~~
3 ~~consolidation point meets the following requirements:~~

4 ~~(a) The facility shall maintain documentation as required in~~
5 ~~Sections 118040 and 118041.~~

6 ~~(b) The waste products are transported to any of the following:~~

7 ~~(1) A medical waste facility.~~

8 ~~(2) A hazardous waste facility.~~

9 ~~(3) A reverse distributor, with the final destination of a medical~~
10 ~~or hazardous waste facility.~~

11 ~~SEC. 9. Section 118031 is added to the Health and Safety Code,~~
12 ~~to read:~~

13 ~~118031. (a) Except for a person who generated the~~
14 ~~home-generated pharmaceutical waste, or a family member or~~
15 ~~other designated person who is not subject to this part, no person~~
16 ~~may transport home-generated pharmaceutical waste unless the~~
17 ~~person is one of the following:~~

18 ~~(1) A currently registered hazardous waste hauler.~~

19 ~~(2) In possession of a limited-quantity hauling exemption~~
20 ~~granted pursuant to Section 118030, provided that the person may~~
21 ~~transport no more than five pounds of home-generated~~
22 ~~pharmaceutical waste.~~

23 ~~(3) An operator of a home-generated pharmaceutical waste~~
24 ~~consolidation point provided that the person transports the~~
25 ~~home-generated pharmaceutical waste only from the consolidation~~
26 ~~point to a permitted treatment facility or transfer station and~~
27 ~~maintains tracking documentation, as required by Sections 118040~~
28 ~~and 118041.~~

29 ~~(b) Nothing in this section shall prohibit the operator of a~~
30 ~~home-generated pharmaceutical waste consolidation point from~~
31 ~~using a registered hazardous waste hauler for transporting the~~
32 ~~home-generated pharmaceutical waste to a permitted medical~~
33 ~~waste treatment or transfer station facility.~~

34 ~~SEC. 14.~~

35 ~~SEC. 10. Section 118040 of the Health and Safety Code is~~
36 ~~amended to read:~~

37 ~~118040. (a) Except with regard to sharps waste consolidated~~
38 ~~by a home-generated sharps consolidation point approved pursuant~~
39 ~~to Section 117904, pharmaceutical waste or home-generated~~
40 ~~pharmaceutical waste consolidated by a home-generated~~

1 pharmaceutical waste consolidation point approved pursuant to
2 Section 117904.5, or home-generated pharmaceutical waste
3 transported pursuant to Section 118031, a hazardous waste
4 transporter or generator transporting medical waste shall maintain
5 a completed tracking document of all medical waste removed for
6 treatment or disposal. A hazardous waste transporter or generator
7 who transports medical waste to a facility, other than the final
8 medical waste treatment facility, shall also maintain tracking
9 documents which show the name, address, and telephone number
10 of the medical waste generator, for purposes of tracking the
11 generator of medical waste when the waste is transported to the
12 final medical waste treatment facility. At the time that the medical
13 waste is received by a hazardous waste transporter, the transporter
14 shall provide the medical waste generator with a copy of the
15 tracking document for the generator's medical waste records. The
16 transporter or generator transporting medical waste shall maintain
17 its copy of the tracking document for three years.

18 (b) The tracking document shall include, but not be limited to,
19 all of the following information:

20 (1) The name, address, telephone number, and registration
21 number of the transporter, unless transported pursuant to Section
22 118030.

23 (2) The type and quantity of medical waste transported.

24 (3) The name, address, and telephone number of the generator.

25 (4) The name, address, telephone number, permit number, and
26 the signature of an authorized representative of the permitted
27 facility receiving the medical waste.

28 (5) The date that the medical waste is collected or removed from
29 the generator's facility, the date that the medical waste is received
30 by the transfer station, the registered large quantity generator, or
31 point of consolidation, if applicable, and the date that the medical
32 waste is received by the treatment facility.

33 (c) Any hazardous waste transporter or generator transporting
34 medical waste in a vehicle shall have a tracking document in his
35 or her possession while transporting the medical waste. The
36 tracking document shall be shown upon demand to any
37 enforcement agency personnel or officer of the Department of the
38 California Highway Patrol. If the medical waste is transported by
39 rail, vessel, or air, the railroad corporation, vessel operator, or
40 airline shall enter on the shipping papers any information

1 concerning the medical waste that the enforcement agency may
2 require.

3 (d) A hazardous waste transporter or a generator transporting
4 medical waste shall provide the facility receiving the medical waste
5 with the original tracking document.

6 (e) Each hazardous waste transporter and each medical waste
7 treatment facility shall provide tracking data periodically and in a
8 format as determined by the department.

9 (f) Medical waste transported out of state shall be consigned to
10 a permitted medical waste treatment facility in the receiving state.
11 If there is no permitted medical waste treatment facility in the
12 receiving state or if the medical waste is crossing an international
13 border, the medical waste shall be treated in accordance with
14 Chapter 8 (commencing with Section 118215) prior to being
15 transported out of the state.

16 ~~SEC. 15.~~

17 *SEC. 11.* Section 118041 is added to the Health and Safety
18 Code, to read:

19 118041. (a) A person transporting pharmaceutical waste shall
20 maintain a completed tracking document of all pharmaceutical
21 waste removed for treatment or disposal. A copy of the tracking
22 document shall be included with the container holding the
23 pharmaceutical waste.

24 (b) The tracking document shall include, but not be limited to,
25 all of the following information:

26 (1) The name, address, and telephone number of the generator.

27 (2) Specific information indicating that pharmaceutical waste
28 is being transported.

29 (3) The name, address, and telephone number of the person
30 transporting the waste.

31 (4) The name, address, telephone number, and permit number
32 of the permitted treatment facility or transfer station to which the
33 pharmaceutical waste is being sent.

34 (5) The date that the pharmaceutical waste was collected or
35 removed from the generator or home-generated pharmaceutical
36 waste consolidation point.

37 (6) *The amount of pharmaceutical waste being transported.*

38 (c) A person ~~tracking~~ transporting pharmaceutical waste shall
39 have a tracking document for the waste in his or her possession
40 while transporting the waste. The tracking document shall be

1 shown, upon demand, to any enforcement agency personnel or
2 officer of the Department of the California Highway Patrol.

3 (d) A medical waste treatment facility and transfer station shall
4 *verify the amount of pharmaceutical waste being delivered*, date
5 and sign a copy of the tracking document upon receipt, periodically
6 provide data in a format determined by the department, and shall
7 maintain a copy of the tracking document for three years.

8 (e) This section does not prohibit the use of a single document
9 to verify the return of more than one container to a parent
10 organization or another health care facility for the purpose of
11 consolidation before treatment and disposal of the pharmaceutical
12 waste over a period of time, if the form or log is maintained in the
13 files of the parent organization or other health care facility that
14 receives the waste.

15 (f) Pharmaceutical waste transported out of state shall be
16 consigned to a permitted medical waste treatment facility in the
17 receiving state. ~~If there is no permitted medical waste treatment~~
18 ~~facility in the receiving state, or if the waste is crossing an~~
19 ~~international border, the home-generated pharmaceutical waste~~
20 ~~shall be treated pursuant to Section 118222 prior to being~~
21 ~~transported out of state. receiving state.~~

22 ~~SEC. 16.~~

23 *SEC. 12.* Section 118147 of the Health and Safety Code is
24 amended to read:

25 118147. Notwithstanding any other provision of this chapter,
26 a registered medical waste generator, which is a facility specified
27 in subdivisions (a) and (b) of Section 117705, may accept
28 home-generated sharps waste and home-generated pharmaceutical
29 waste, to be consolidated with the facility's medical waste stream,
30 subject to all of the following conditions:

31 (a) The generator of the home-generated sharps waste or
32 home-generated pharmaceutical waste, a member of the generator's
33 family, or a person authorized by the enforcement agency transports
34 the sharps waste or pharmaceutical waste to the medical waste
35 generator's facility.

36 (b) The home-generated sharps waste or home-generated
37 pharmaceutical waste is accepted at a central location at the medical
38 waste generator's facility.

1 (c) A reference to, and a description of, the actions taken
2 pursuant to this section are included in the facility's medical waste
3 management plan adopted pursuant to Section 117960.

4 ~~SEC. 17. Section 118165 of the Health and Safety Code is~~
5 ~~amended to read:~~

6 ~~118165. On and after April 1, 1991, all persons operating a~~
7 ~~medical waste treatment facility shall maintain individual records~~
8 ~~for a period of three years and shall report or submit to the~~
9 ~~enforcement agency upon request, all of the following information:~~

10 ~~(a) The type of treatment facility and its capacity.~~

11 ~~(b) All treatment facility operating records.~~

12 ~~(c) Copies of the tracking documents for all medical waste it~~
13 ~~receives for treatment from offsite generators or from hazardous~~
14 ~~waste haulers or common carriers, pursuant to Section 118041.~~

15 ~~SEC. 18.~~

16 ~~SEC. 13.~~ Section 47200 of the Public Resources Code is
17 amended to read:

18 47200. (a) The board shall expend funds from the account,
19 upon appropriation by the Legislature, for the making of grants to
20 cities, counties, or other local agencies with responsibility for solid
21 waste management, and for local programs to help prevent the
22 disposal of home-generated sharps waste, as defined in Section
23 117671 of the Health and Safety Code, ~~home-generated~~
24 ~~pharmaceutical waste, as defined in Section 117669 of the Health~~
25 ~~and Safety Code,~~ and hazardous wastes at disposal sites, including,
26 but not limited to, programs to expand or initially implement
27 household hazardous waste programs. In making grants pursuant
28 to this section, the board shall give priority to funding programs
29 that provide for the following:

30 (1) New programs for rural areas, underserved areas, and for
31 small cities.

32 (2) Expansion of existing programs to provide for the collection
33 of additional waste types, innovative or more cost-effective
34 collection methods, or expanded public education services.

35 (3) Regional household hazardous waste programs.

36 (b) (1) The total amount of grants made by the board pursuant
37 to this section shall not exceed, in any one fiscal year, three million
38 dollars (\$3,000,000).

39 (2) Notwithstanding paragraph (1), the total amount of grants
40 made by the board pursuant to this section may exceed three

1 million dollars (\$3,000,000) but shall not exceed six million dollars
2 (\$6,000,000), in any one fiscal year, if sufficient funds are
3 appropriated from the Integrated Waste Management Account for
4 this purpose.

5 ~~SEC. 19.~~

6 *SEC. 14.* No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.